



Public Notice

Applicant:
Eldan Homes

Date:
Published: June 5, 2001
Expires: July 5, 2001

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 90-988-8(4) Section: NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Daniel J. Barnaba, Jr., for Eldan Homes, P.O. Box 1039, Cicero, New York 13039, has applied for a Department of the Army permit to fill 0.65 acres of wetland for the expansion of a residential subdivision, called John's Landing Extension. The wetlands are adjacent to an unnamed tributary to Volmer Creek, which flows into Oneida Lake. The project is located off of Osborne Drive, in the Town of Cicero, Onondaga County, New York.

Approximately 2.03 acres of wetland were delineated on the 26 acre parcel. Subsequently, the wetland boundary was verified by this office in October 1999. The site consists of two drainage corridors with associated wetlands that flow into Volmer Creek. Moreover, the creek flows in a northerly direction on the eastern side of the site. Wetland A, which includes one of the drainage corridors, is primarily dominated by forested wetland vegetation. Wetland B includes the second drainage corridor, and is a combination of forested, scrub/shrub, and emergent wetlands. The proposal involves filling approximately 0.65 acres of wetland B.

The proposal involves developing Sections 8, 9, and 10, for a total of 34 lots, on the 26 acre parcel. In 1990, a Nationwide Permit No. 26 was issued for Section 7 of the subdivision for 0.67 acre of wetland fill. At that time, mitigation was not required for less than an acre of wetland impacts. Therefore, to mitigate for impacts to the combined 1.32 acres of wetland, the applicant has proposed to create wetlands in the adjacent utility line right-of-way, which is currently used for storm water detention. The applicant has provided two conceptual mitigation plans for review, the first providing a 1:1 mitigative ratio, and the second providing a 1:1.5 ratio. Although both plans are included for review, the applicant is proposing the first, which includes creating 1.36 acres of wetland.

The applicant's stated purpose of the project is to develop a residential subdivision.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Margaret A. Crawford, who can be contacted by calling (315) 255-8090, or by e-mail at: margaret.a.crawford@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, and should be marked to the attention of Margaret A. Crawford, or by e-mail at: margaret.a.crawford@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

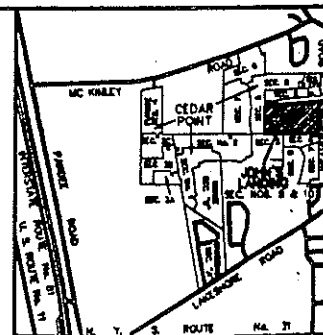
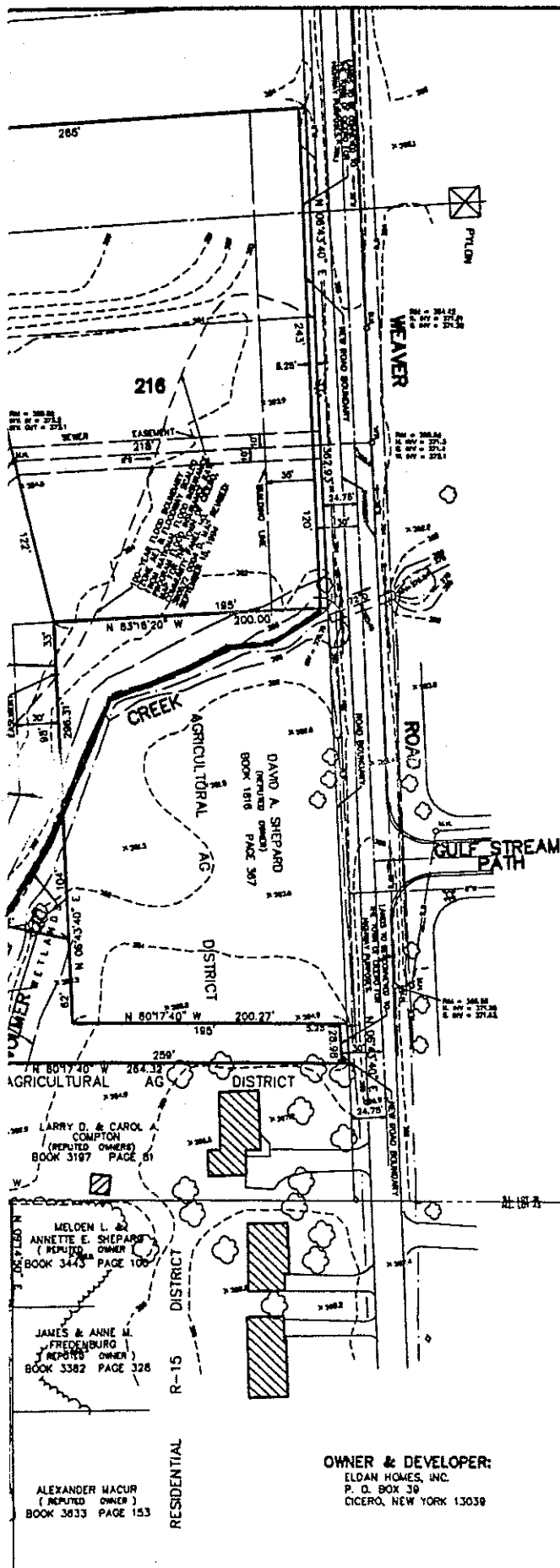
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

for 
Paul G. Leuchner
Chief, Regulatory Branch

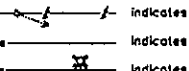
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



NOTES:

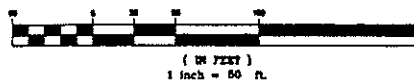
Total Area: 26.732± Acres
Total Number of Lots: 33
Present Zons: Residential R-10 & Residential R-12 Districts
Pavement widths shown are without gutters.
Elevations referred to U.S.G.S. Datum.
Location of underground utilities taken by field measurement where practicable, otherwise taken from various other sources and are approximate only.
Lot dimensions are approximate only.
Tax Map Numbers: 97-01-05.2 & 97-01-13.1
Section No. 9: Lot Nos. 218 through 228.
Section No. 10: Lot Nos. 229 through 250.
Driveway access not permitted to Weaver Road from Lot No. 218.


LEGEND:

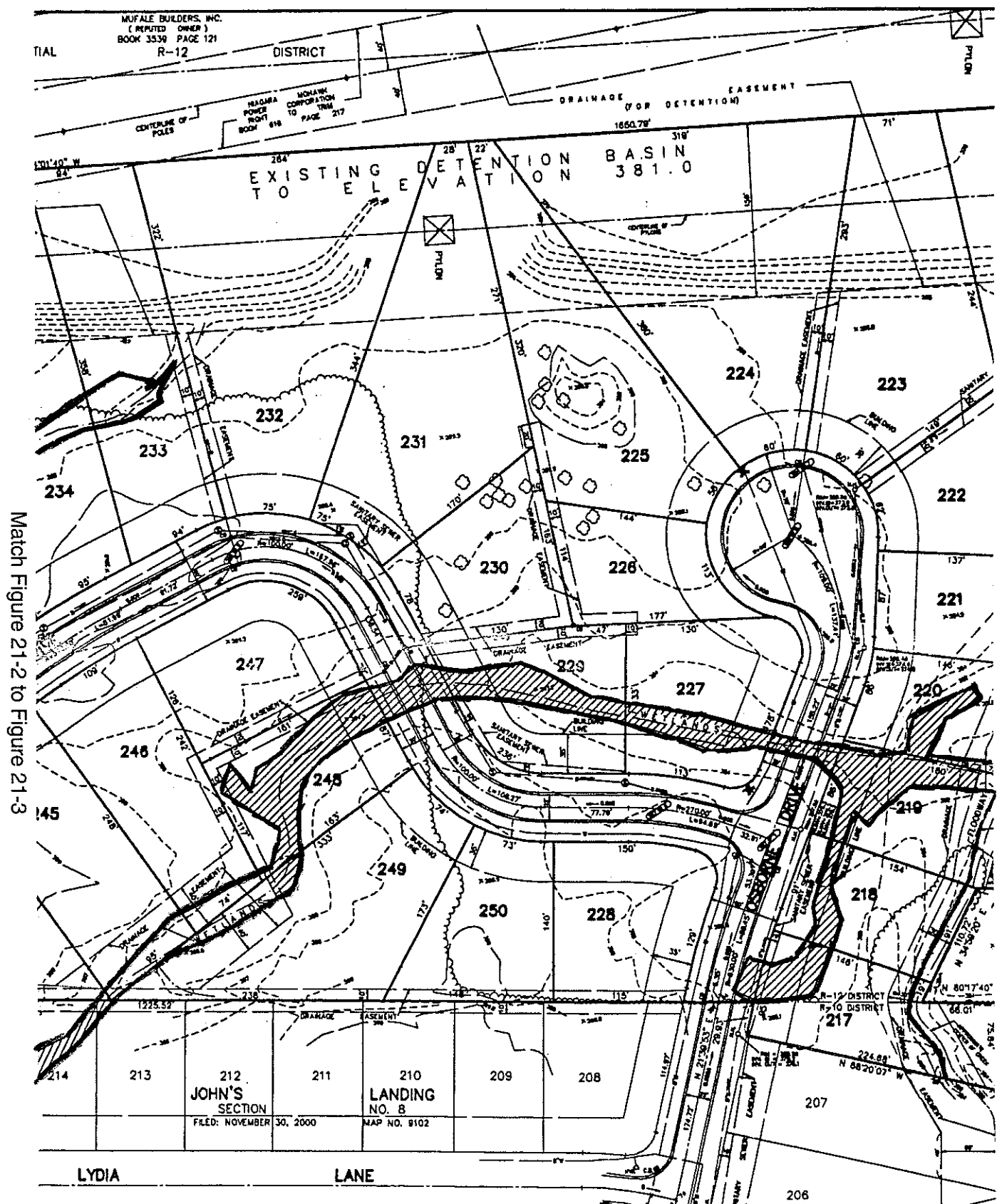

 Indicates original grade
 Indicates utility pole, anchor, & overhead lines
 Indicates gas main.
 Indicates existing water main & hydrant
 Indicates proposed water main & hydrant
 Indicates existing storm sewer, catch basin & manhole
 Indicates proposed storm sewer, catch basin & manhole
 Indicates existing sanitary sewer & manhole
 Indicates proposed sanitary sewer & manhole
 Indicates proposed finished grade and acre of slope.
 Indicates wetlands to be filled; 0.6 ± Acre.

Wetland B

JOHN'S LANDING EXTENSION
D/A Processing No. 90-988-8(4)
Onondaga County, New York
Quad: CICERO
Sheet 2 of 11



REVISIONS	PRELIMINARY PLAN		Figure 21-1
	JOHN'S LANDING		
	SECTION NOS. 9 & 10		
	PART OF MILITARY LOTS 31 & 43		
	TOWN OF CICERO		
	ONONDAGA COUNTY, NEW YORK		
	LICENSED LAND SURVEYORS IANUZZI & ROMANO, P.C. LIVERPOOL & SYRACUSE, NEW YORK (315) 487-7200	DATE: JANUARY 8, 2001	SHEET NO.
		SCALE: 1" = 50'	
		FILE NO.: 847.020	P.B. NO. 839



	RESIDENTIAL		R-10		DISTRICT
179	Figure 21-2	181	182	183	184

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CEDAR POINT
SECTION NO. 5
FILED: DECEMBER 11, 1986 MAP NO. 8369

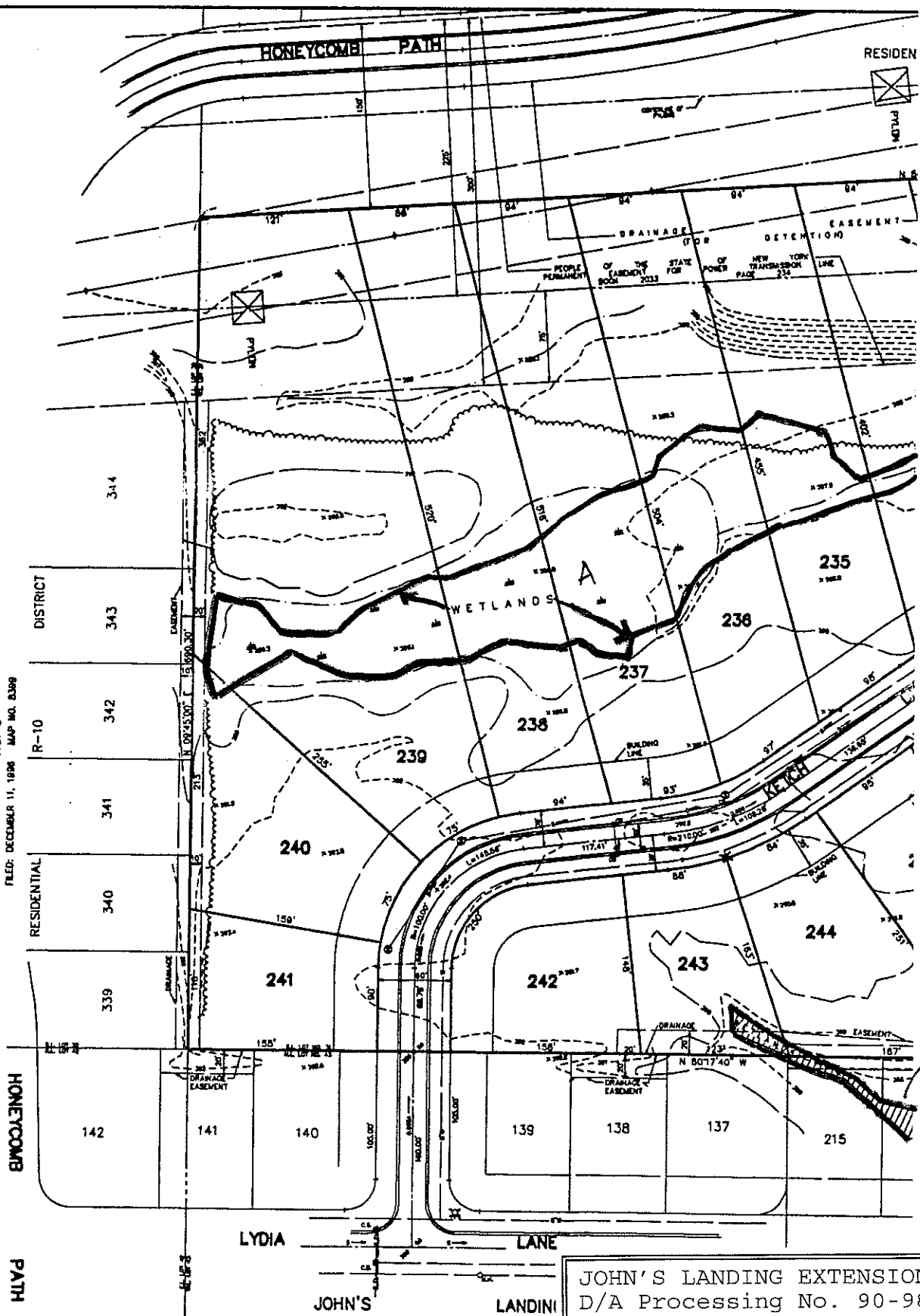


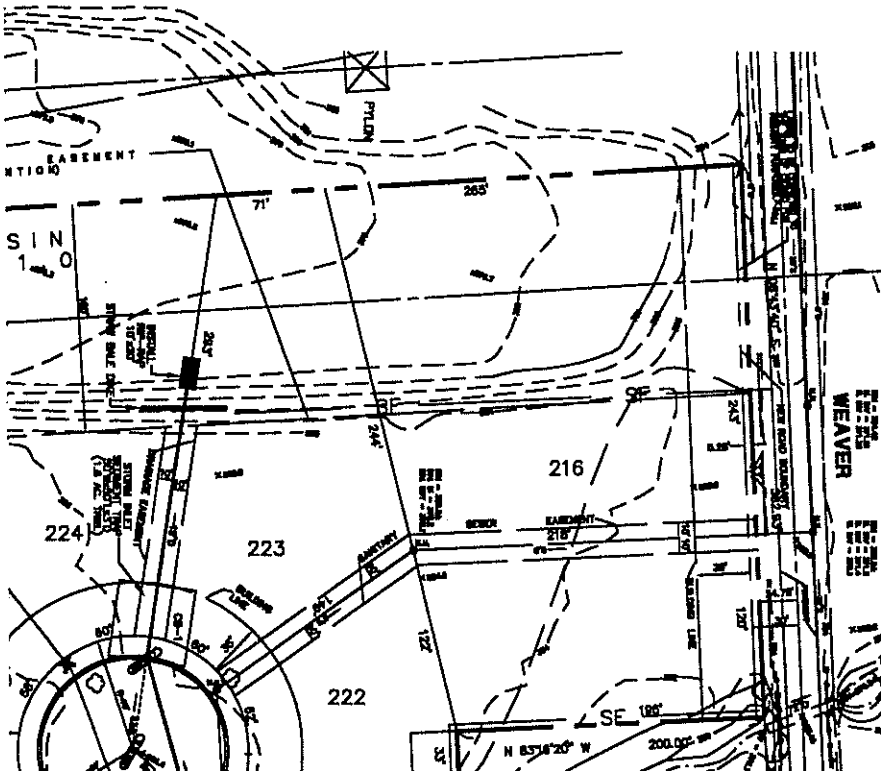
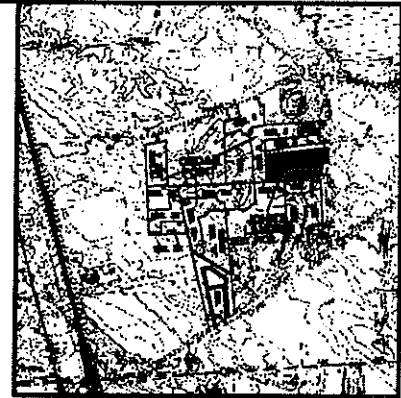
Figure 21-3

JOHN'S LANDING
SECTION NO. 5
FILED: OCTOBER 17, 1989 MAP NO. 7180
RESIDENTIAL R-10


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Match Figure 21-3 to Figure 21-2

Wetland B




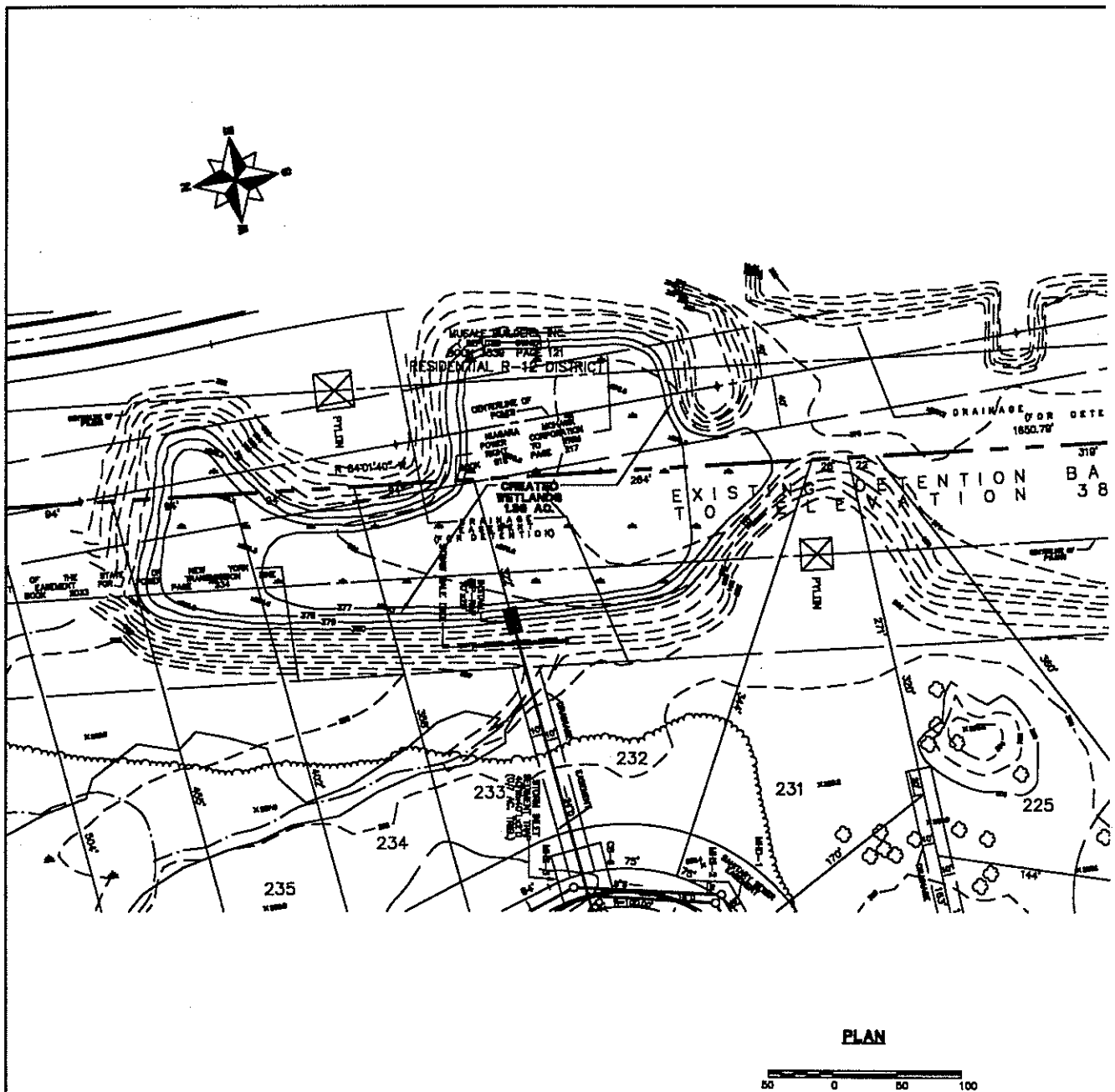
LEGEND

 PROPERTY LINE
 EXISTING CONTOUR
 PROPOSED CONTOUR

JOHN'S LANDING EXTENSION
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Figure 26-1

REVISIONS				Sheet	 <div>L.J.R. Engineering, P.C. Cicero Professional Building 6221 Route 31 Cicero, New York 13039 Phone 315-685-6533 Fax 315-685-6542</div>	ACAD FILE: 803008C	
No.	Date	Description	By			Date: APRIL 5, 2001	Drawn By: T.F.S.
						Created By: L.J.R., P.E.	Job No.: 803.008
Not Valid Without Signature					Project:	JOHN'S LANDING	Scale: AS SHOWN
					TOWN OF CICERO	SECTION Nos. 9 & 10	CHENANGO COUNTY N.Y.
					Sheet Title:	WETLANDS MITIGATION PLAN OPTION I	Sheet No.: 1 of 2

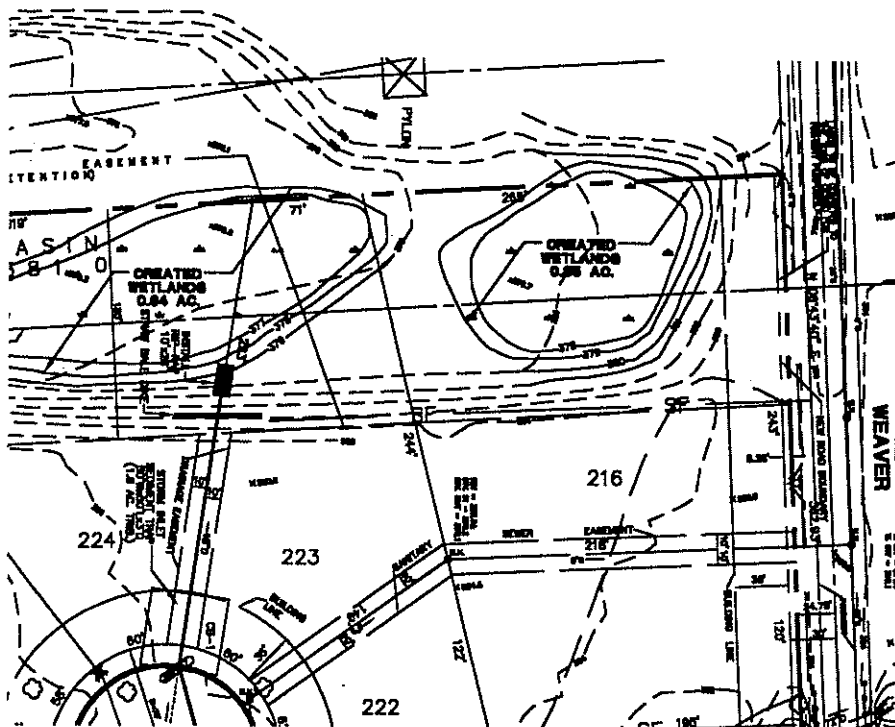


Match Figure 26-2 to Figure 26-1

JOHN'S LANDING EXTENSION
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Figure 26-2

Match Figure 27-1 to Figure 27-2



LOCATION PLAN
SCALE: 1"=2000'


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LEGEND

- PROPERTY LINE
- - - EXISTING CONTOUR
- PROPOSED CONTOUR

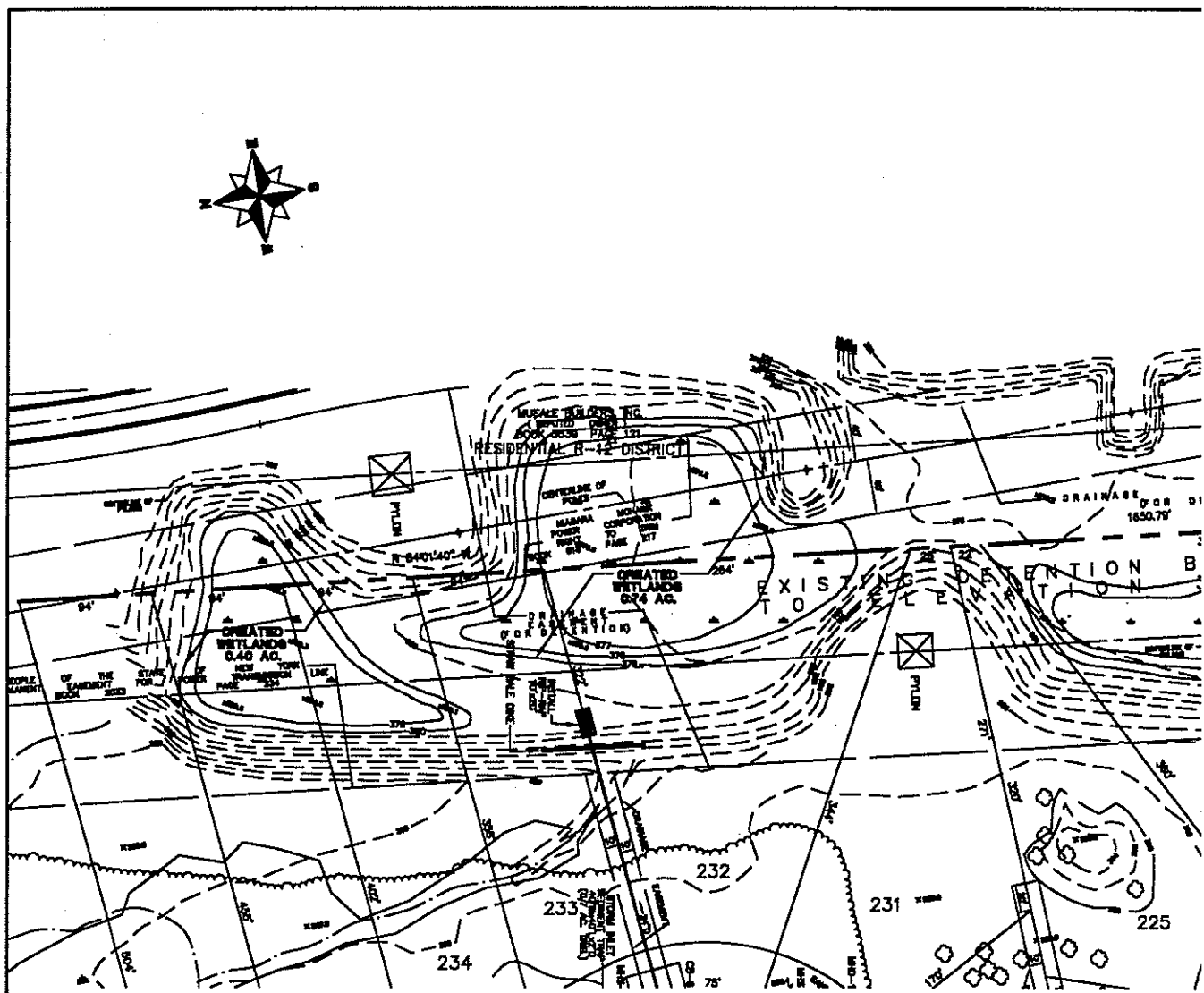
Figure 27-1

ACAD FILE: 8030080

REVISIONS				Date	 L.J.R. Engineering P.C. Cicero Professional Building 6221 Route 31 Cicero, New York 13039 Phone 215-690-6633 Fax 215-690-6648	Date APRIL 5, 2001 Drawn By T.F.S. Checked By L.J.R., P.E. Job No. 603.008 Scale AS SHOWN Sheet No. 2 Sheet 2 of 2	
No.	Date	Description	By				

Not Valid Without Signature

Project: **JOHN'S LANDING SECTION Nos. 8 & 10**
Town of Cicero
WETLANDS MITIGATION PLAN
OPTION II



Match Figure 27-2 to Figure 27-1



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Figure 27-2



Mitigation

The following is a brief description of the proposed mitigation for activities that impact the federally regulated wetland within the limits of the project study area.

Proposed Mitigation

The proposed John's Landing Extension housing development will require the placement of 0.65 acres of fill in wetlands that are regulated by the Corps. In addition, previous development within the John's Landing Section 7 required the placement of 0.67 acre of clean fill. Mitigation for this impact was not previously required by the Corps. However, the Corps is now requiring that compensatory mitigation at a ratio of 1:1.5 be provided for the entire 1.32 acres of wetland impacts.

Early on, attempts were made to locate an area within the property boundaries of John's Landing Extension project site for compensatory mitigation. However, in order to preserve the forested wetland and surrounding upland forest, it was determined that there is not enough land available within the project site for wetland creation. The next logical place for mitigation was

determined to be the utility line right-of-way adjacent to the northern property boundary. This area is currently used for storm water detention and seemed to provide an ideal opportunity for wetland mitigation.

Figures 26 and 27 show two conceptual wetland mitigation plans for the John's Landing project. At this time, the plans are conceptual and will be finalized pending guidance from the Corps. For now, a suggested list of plant materials is included in Appendix H. This list and a detailed planting plan will also be finalized and submitted upon receipt of guidance from the Corps.

The original plan for mitigation was to construct a dike across the center of the detention basin which would block the flow of water and allow for the creation of a permanent wetland hydrology situation (i.e., saturated soils and inundation). However, in discussing this plan with the engineer for the Town of Cicero, it was decided that this would reduce the capacity for detention of storm water runoff in the basin, thus defeating the purpose for having the basin. The only way to utilize the basin for mitigation would be to excavated below the existing grade which would allow for storm water re-

tention for purposes of wetland mitigation while at the same time keeping the full capacity within the basin for storm water detention.

The first plan (Figure 26) shows the construction of the entire wetland mitigation area in the western half of the utility line right-of-way. This plan would allow for the creation of 1.36 acres of wetland which is 0.04 acre more than what would be required for a mitigation ratio of 1:1. The second plan (Figure 27) shows four excavated areas within the utility line right-of-way that would allow for the creation of 2.13 acres of wetland. This is 0.15 acre more than what would be required for a mitigation ratio of 1:1.5.

It should be noted that compensatory mitigation for 0.67 acre of impacts to wetlands in John's Landing Section 7 would not have been required had Sections 8 through 10 not been developed. Therefore, it is hoped by the Applicant that this be taken into consideration by the Corps in reviewing this permit application and that consideration be given for a ratio of 1:1 wetland mitigation. Therefore, the Applicant is requesting that the first plan (Figure 26) be accepted for compensatory mitigation for impacts to federally regulated wetlands.

Suggested Plants and Planting Depths

Herbaceous Species to be Planted in 0 to 6 inches of Permanent Water

<i>Acorus calamus</i>	Sweet Flag
<i>Alisma plantago-aquatica</i>	Water Plantain
<i>Decodon verticillatus</i>	Water Willow
<i>Dulichium arundinaceum</i>	Three Way Sedge
<i>Equisetum fluviatile</i>	Water Horsetail
<i>Iris versicolor</i>	Blueflag Iris
<i>Juncus canadensis</i>	Canada Rush
<i>Peltandra virginica</i>	Arrow Arum
<i>Pontederia cordata</i>	Pickernel Weed
<i>Rumex verticillatus</i>	Water Dock
<i>Sagittaria latifolia</i>	Common Arrowhead
<i>Saururus cernuus</i>	Lizard's Tail
<i>Scirpus fluviatilis</i>	River Bulrush
<i>Scirpus validus</i>	Soft Stem Bulrush
<i>Sparganium americanum</i>	American Burreed
<i>Sparganium eurycarpum</i>	Giant Burreed
<i>Typha angustifolia</i>	Narrowleaf Cattail
<i>Typha latifolia</i>	Broadleaf Cattail

Herbaceous Species to be Planted in 6 to 18 inches of Permanent Water

<i>Brasenia schreberi</i>	Watershield
<i>Nuphar lutea</i>	Spatterdock
<i>Nymphaea odorata</i>	White Water Lily

Herbaceous Species to be Planted in Areas of Saturated Soil (Not Standing Water)

<i>Carex crinita</i>	Fringed Sedge
<i>Carex lupulina</i>	Hop Sedge
<i>Carex lurida</i>	Shallow Sedge
<i>Carex stricta</i>	Tussock Sedge
<i>Carex torta</i>	Twisted Sedge
<i>Carex vulpinoidea</i>	Fox Sedge
<i>Juncus effusus</i>	Soft Rush
<i>Matteuccia struthiopteris</i>	Ostrich Fern
<i>Scirpus atrovirens</i>	Green Bulrush
<i>Scirpus cyperinus</i>	Wool Grass
<i>Thelypteris palustris</i>	Marsh Fern

Herbaceous Species to be Planted in Areas of Drawdown

<i>Angelica atropurpurea</i>	Angelica
<i>Asclepias incarnata</i>	Swamp Milkweed
<i>Aster novae-angliae</i>	New England Aster
<i>Aster puniceus</i>	Purple-stemmed Aster
<i>Calamagrostis canadensis</i>	Blue Joint
<i>Caltha palustris</i>	Marsh Marigold
<i>Carex comosa</i>	Bristly Sedge
<i>Carex lacustris</i>	Lakebank Sedge
<i>Carex stricta</i>	Tussock Sedge
<i>Carex trichocarpa</i>	Hairy-fruit Sedge
<i>Cicuta maculata</i>	Water Hemlock
<i>Equisetum arvense</i>	Field Horsetail

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Equisetum hyemale
Eupatorium maculatum
Eupatorium perfoliatum
Euthamia graminifolia
Glyceria canadensis
Glyceria melicaria
Iris versicolor
Leersia oryzoides
Onoclea sensibilis
Panicum virgatum
Solidago gigantea
Solidago rugosa
Verbena hastata

Rough Horsetail
Joe-pye Weed
Boneset
Grassleaf Goldenrod
Canada Mannagrass
Melic Mannagrass
Blueflag
Rice Cut Grass
Sensitive Fern
Switchgrass
Giant Goldenrod
Wrinkled Goldenrod
Blue Vervain

Shrub Species to be Planted in 0 to 6 inches of Permanent Water

Cephalanthus occidentalis
Salix discolor
Salix purpurea

Buttonbush
Pussy Willow
Streamco Willow

Shrub Species to be Planted Along the Edge of the Wetland

Cornus sericea
Viburnum dentatum
Viburnum lentago

Red-osier Dogwood
Arrowwood
Nannyberry

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